

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Scott C. Harris	Group Art Unit 3662
Appl. No.	:	10/065,120	
Filed	:	September 18, 2002	
For	:	POSITION PRIVACY IN AN ELECTRONIC DEVICE	
Examiner	:	G. Issing	

Mail Stop AF
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

and/or

(in the alternative)

REQUEST FOR REVIVAL of Unintentionally Abandoned application under

37 CFR 137b

Sir:

Applicant herewith requests withdrawal of the holding of abandonment dated June 11, 2009.

A summary of the chronology, and the reasons that the application should not have become abandoned, follow.

The chronology starts with a final rejection dated March 20, 2008.

Applicant responded to this by filing a notice of appeal on June 19, 2008, and timely filed an appeal brief on August 19, 2008.

On August 28, 2008, the patent office provided a notice of noncompliant appeal brief, stating that the status of the rejected claims were not identified.

A new appeal brief was then filed on September 23, 2008, identifying those claims. The patent office followed up with a new notice of defective appeal brief on December 2, 2008, listing a number of new items 2, 4, 6 and 10.

An appeal brief was filed on January 2, 2009, responding to those items.

On April 6, 2009, the patent office provided three new items that were wrong with the appeal brief. Improperly, the patent office did not provide a new period for responding.

Applicant responded with a new appeal brief on April 9, 2009. While applicant did not pay the extension fee, the appeal brief as filed provided a blanket charge authorization to deposit account number 501387.

On June 11, 2009, the patent office held the application abandoned, stating that "applicants resubmission of the appeal brief of April 9 09 is untimely and remains noncompliant".

Applicant respectfully traversed as the notice of noncompliance, since applicant believes that the appeal brief filed on April 9, 2009 was in fact timely, and did respond to each of those element.

Moreover, since the notice of noncompliant appeal brief dated April 6, 2009 listed new issues, it should have provided a 30 day period for response. Applicant believes that no fees were necessary.

In any case, applicant here with files yet another appeal brief, responsive to the items raised in the April 6, 2009 appeal brief. Applicant believes that the holding of abandonment should be withdrawn, and this appeal brief should be entered.

In the alternative, however, applicant did not intend for the application to become abandoned. Accordingly, and in the event the patent office believes that the abandonment should not be withdrawn, the patent office is authorized to charge the rule 17(m) fee for revival of an unintentionally abandoned applications, at the small entity rate, to deposit account 50-1387.

A new appeal brief, addressing in even further detail, the three issues noted in paper number 2000 90402 is submitted as a "response" to the open action.

Please apply any charges not covered, including any necessary extensions of time to Deposit Account No. 50-1387, small entity.

Respectfully submitted,

Date: __9/26/2009__

____/Scott C Harris/
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